

MAR 18 2008

PTO/SB/64 (01-08)

Approved for use through 03/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

111766 CON

First named inventor: BERKLEY, David Arthur

Application No.: 10/090,602

Art. Unit: 2619

Filed: 03/05/2002

Examiner: PARK, Jung H.

Title: Active User Registry

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

03/19/2008 WASFAW1 00000011 502186 10090602

01 FC:1453 1540.00 DA

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,540.00 (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,740

- ☐ has been paid previously on _____.
- ☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

03/18/2008

Date

Ronald D. Slusky

Typed or printed name

26,585

Registration Number, if applicable

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Address

212-246-4546

Telephone Number

New York, N.Y. 10019

Address

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: A. Fee Transmittal with Deposit Account Authorization

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

03/18/2008

Date

Signature

Ronald D. Slusky

Typed or printed name of person signing certificate

PTO/SB/17 MODIFIED BY AT&T CORP.

FEE TRANSMITTAL <small>Patent Fees are subject to annual revision.</small>		Application Number		10/090, 602			
		Filing Date		03/05/2002			
		First Named Inventor		BERKLEY, David Arthur			
		Examiner Name		PARK, Jung H.			
TOTAL AMOUNT OF PAYMENT		\$1540		Group/Art Unit		2619	
				Attorney Docket No.		111766 CON	
						RECEIVED CENTRAL FAX CENTER MAR 18 2008	

METHOD OF PAYMENT				FEE CALCULATION (continued)			
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number: 502186 Deposit Account Name: Ronald D. Slusky, Atty at Law <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing Date of the Notice of Allowance				3. ADDITIONAL FEES			
				Large Fee Code	Entity Fee(\$)	Fee Description	Fee Paid
				105	130	Surcharge - late filing fee or oath	
				127	50	Surcharge - late provisional filing fee or cover sheet	
				139	130	Non-English specification	
				147	2520	For filing a request for reexamination	
				112*	920	Requesting publication of SIR prior to Examiner action	
				113*	1840	Requesting publication of SIR after Examiner action	
				115	110	Extension for reply within first month	
				116	400	Extension for reply within second month	
				117	920	Extension for reply within third month	
				118	1440	Extension for reply within fourth month	
				128	1960	Extension for reply within fifth month	
				119	320	Notice of Appeal	
				120	320	Filing a brief in support of an appeal	
				121	280	Request for oral hearing	
				195	300	Publication fee	
				140	110	Petition to revive - unavoidable	
				141	1280	Petition to revive - unintentional	1540
				142	1280	Utility issue fee (or reissue)	
				143	460	Design issue fee	
				122	130	Petitions to the Commissioner	
				123	50	Petitions related to provisional applications	
				126	180	Submission of Information Disclosure Statement	
				581	40	Recording each patent assignment per property (times number of properties)	
				146	740	Filing a submission after final rejection (37 CFR 1.129(a))	
				149	740	For each additional invention to be examined (37 CFR 1.129(b))	
				179	740	Request for Continued Examination (RCE)	
				Other fee (specify):			
SUBTOTAL (1)				SUBTOTAL (3) 1540			

FEE CALCULATION			
1. FILING FEE			
Large Fee Code	Entity Fee(\$)	Fee Description	Fee Paid
1011	750	Filing Fee	
1111	330	Search Fee	
1311	740	Examination Fee	
114	160	Provisional Filing Fee	
SUBTOTAL (1)			
2. CLAIMS			
<input type="checkbox"/> Filing Under 37CFR 1.53 (b) <input type="checkbox"/> CPA Under 37CFR 1.53 (d) <input checked="" type="checkbox"/> Amendment			
		Extra Claims	Fee
Tot	-	0	x 50 =
Ind.	-	200	x =
Multiple Dependent Claims			
Large Fee Code	Entity Fee(\$)	Fee Description	
** or number previously paid, if greater; for Reissues, see above			

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Ronald D. Slusky	Reg. Number	26585